

EXHIBIT 3

FILE COPY

RESOLUTION OF APPROVAL
FINAL SUBDIVISION AND SITE PLAN
FOR
ARLINGTON CHESTER, LLC
[GREENS AT CHESTER]

Nature of Application

Arlington Chester LLC [Greens at Chester] hereinafter referred to as the "applicant," is the owner of certain real property consisting of a total of 117.7+/- acres¹ that is generally situated adjacent and south west of the Village of Chester line with New York State Route 94 to the south, Conklingtown Road to the south/southwest and the Town of Goshen line to the North. The portion to be developed is designated on the Town of Chester tax map Section 6, Block 1 Lot 1.3.

The applicant has made application to the Planning Board for a 431 lot residential subdivision.²

Property Involved

The property affected by this resolution is shown on the Tax Maps of the Town of Chester as parcel(s) 9-1-1.3.

Zoning District

The property affected by this resolution is located in the SR-.6 zoning district of the Town of Chester.

¹ 113.4 acres are located within the Town of Chester and 4.2 acres are located in the Town of Goshen. No improvements of any kind are proposed in Goshen.

² The applicant originally received preliminary subdivision approval for 455 lots. Between preliminary and final approval, however, it was determined that only 431 lots could be supported on site.

History

A summary of the history of this application before the Board is as follows:

- An application for subdivision and site plan approval, together with a Full Environmental Assessment Form (Full EAF), was submitted to this Board on or about May 26, 1994;
- On September 7, 1994 this Board issued a *positive declaration* pursuant to those certain regulations known as the "SEQRA regulations," contained and set forth in the *State Environmental Quality Review Act* at 6 NYCRR part 617 *et seq.* finding that the application of Arlington Chester, LLC may have a significant adverse impact on the environment and that an environmental impact statement would be required;³
- A formal scoping session as provided for in the SEQRA regulations⁴ was conducted on October 5, 1994;
- A written scope identifying those areas of concern to be studied at length in a formal Environmental Impact Statement was adopted by the Board on March 1, 1995;
- A Draft Environmental Impact Statement was submitted by the applicant to the Board in May of 1995 and thereafter revised in June and July of 1995 and ultimately accepted as complete for public review on December 6, 1995;
- A public hearing was held on the Draft Environmental Impact Statement and preliminary subdivision approval on February 21, 1996;
- A Draft Final Environmental Impact Statement was submitted to the Board in March of 1997;
- The Draft Final Environmental Impact Statement was accepted by the Board on September 30, 1998;
- The SEQRA Findings Statement was adopted and preliminary subdivision approval was granted the applicant on November 18, 1998

Thereafter, this project entered a period of dormancy at least with regard to its presence before the Town of Chester Planning Board. However, the required extensions of the preliminary subdivision approval were requested by the applicant at the proper intervals and were granted by the Planning Board.

In or around 2007, this application returned to the Board for purpose of obtaining their final approval. At that time, a dispute arose between the Town of Chester and the applicant over the proper and necessary measures required to obtain final approval. That dispute resulted in the commencement of litigation by the applicant in the United State District Court for the Southern District of New York. That litigation was settled by virtue of that certain Settlement Agreement dated June 18, 2010 attached to and made part of this resolution of Final Subdivision Approval.

³ See 6 NYCRR 617.2(ac)

⁴ See 6 NYCRR 617.8

Findings

The Planning Board has determined that approval of this subdivision will substantially serve the public convenience, safety and welfare in that the land to be improved is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Further, the subdivision is appropriate and consistent with the requirements of the master plan, the official map of the Town, Chapter 83 of the Town of Chester Municipal Code and applicable zoning regulations, subject to compliance in full with conditions hereinafter imposed. Moreover, this approval is mandated by the United States District Court for the Southern District of New York pursuant to the aforementioned Settlement Agreement.

Resolution of Approval

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to grant final approval to the subdivision application of Arlington Chester, LLC [Greens at Chester] as said proposal is depicted on the plans referenced in the attached Settlement Agreement provided by the applicant and upon the conditions outlined below, and the Chairperson (or his designee) is authorized to sign the subdivision plat upon satisfaction of those conditions below noted to be conditions precedent to such signing.

Conditions to be Satisfied

1. The furnishing of proper performance security [bonding of all public improvements] to the satisfaction of the Town attorney must be accomplished prior to the signing of the plat.
2. The delivery of proof of filing (prior to construction) of a Notice of Intent for Stormwater Discharges Associated with Construction Activity Under a SPDES General Permit and delivery of copy of same to the Town Engineer.
3. The delivery of all required outside agency approvals, including but not limited to the Orange County Department of Health, the New York State Department of Environmental Conservation and/or the United States Army Corps of Engineers as well as

proof that said approvals remain valid as of the date of this resolution must be accomplished prior to the signing of the plat.

4. The creation of a homeowners association (HOA) to own and maintain the common space depicted upon the plans approved herein. The HOA shall be deemed created for the purposes of this approval at the time of the filing of the required Offering Plan with the NYS Attorney General. This condition must be accomplished prior to the issuance of the first certificate of occupancy. The plat may be signed and filed prior to the satisfaction of this condition.
5. To the extent required by law, the applicant shall be required to form a Transportation Corporation (prior to construction) to own and operate the central water and central sewer systems that will service the project until such time as the Town of Chester accepts the offers of dedication required of the applicant of the central water and sewer systems and their appurtenances.
6. The public roadway shall be constructed in accordance with Town Code section 83-20.

General Conditions

This approval is conditioned upon the applicant satisfying the foregoing conditions and submitting all necessary offers of dedication and posting all required and necessary performance assurance security for the proposed public improvements as well as copies of the plans to be signed, including mylars when required, to the Town of Chester Planning Board within one hundred and eighty days of the date of this approval. Extensions of this approval may only be granted in accordance with applicable law.

This approval is further conditioned upon the applicant delivering proof, in writing, that all fees—engineering, planning, legal and otherwise—in regard to this project have been fully paid.

A FAILURE to comply with any such condition in a timely manner shall result, without further action, in a lapsing of this approval.

In Favor 6 Against 0 Abstain 0 Absent 1

Dated: November 6, 2013


DONALD SEROTTA, CHAIRMAN
TOWN OF CHESTER PLANNING BOARD